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WRITER'S DIRECT DIAL NUMBER

July 15, 1994

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## VIA HAND DELIVERY

William F. Caton  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

RECEIVED EX PARTE NOTICE

JUL 15 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: MM Docket No. 92-265  
Program Access Proceeding

CS Docket No. 94-48  
Cable Competition Report

Dear Mr. Caton:

In accordance with Section 1.1206 of the Commission's rules, the purpose of this letter is to provide notification that on this date B. R. Phillips III, Chief Executive Officer of our client, the National Rural Telecommunications Cooperative ("NRTC"), Steve Berman, Corporate Counsel for NRTC, Rich LaRoche, Legislative Director of the National Rural Electric Cooperative Association ("NRECA"), and the undersigned met with the following Commissioners and staff to discuss NRTC's pending Petition for Reconsideration in MM Docket No. 92-265 (Program Access proceeding) and NRTC's Comments in CS Docket No. 94-48 (Cable Competition Report):

The Honorable James H. Quello

The Honorable Andrew C. Barrett

The Honorable Susan Ness

During our meetings, we discussed the fact that as a DBS distributor NRTC has no access to any of the popular programming of two of the largest, most vertically-integrated cable programmers: Time Warner and Viacom. Time Warner and Viacom have entered into exclusive, anti-competitive DBS program distribution arrangements with United States Satellite Broadcasting Company, Inc. ("USSB") for the specific purpose of blocking access by NRTC and other DBS distributors to Time Warner's and Viacom's programming (i.e., Cinemax, Flix, HBO,

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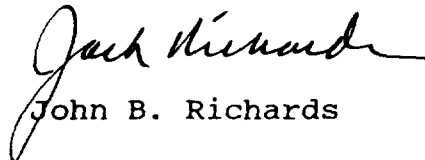
KELLER AND HECKMAN

The Movie Channel, Showtime, Comedy Central, MTV, VH-1, and Nickelodeon). This type of exclusivity arrangement allows the vertically-integrated cable industry to control DBS as a competitive technology. It is contrary to the letter and spirit of the Program Access provisions of the Cable Act and should be specifically prohibited by the Commission's rules.

We provided a copy of the attached Chart entitled "Program Access" to each Commissioner during the course of our meetings. This Chart depicts the Program Access limitations and restrictions imposed on NRTC by the USSB/Time Warner/Viacom exclusivity arrangement. As a result, NRTC is unable to select from a full, competitive menu of programming for distribution over DBS to persons in areas unserved by cable. Four copies of these materials are enclosed herewith so that two copies may be included in the public record of each of these proceedings.

Your attention to this matter is appreciated. Should you require any additional information, please feel free to contact the undersigned.

Sincerely,

A handwritten signature in cursive script, appearing to read "John B. Richards".

John B. Richards

cc: The Honorable James H. Quello  
The Honorable Andrew C. Barrett  
The Honorable Susan Ness

# PROGRAMMING ACCESS

Access to Programming Controlled by Vertically Integrated Cable Companies

PROGRAMMER	DIRECTV™	USSB *	PrimeStar *	3 LARGEST * C-BAND DISTRIBUTORS (HBO, Showtime, Netlink (TCI))	Cable MSOs (ATC/Viacom) *
Cinemax		X	X	X	X
Flix	ACCESS	X	X	X	X
HBO		X	X	X	X
The Movie Channel	BLOCKED	X	X	X	X
Showtime		X	X	X	X
Comedy Central		X	X	X	X
MTV	EXCLUSIVE	X	X	X	X
VH1		X	X	X	X
Nickelodeon	CONTRACTS	X	X	X	X
Lifetime	X	X	X	X	X
American Movie Classics	X	X	X	X	X
BET	X	X	X	X	X
Bravo	X	X	X	X	X
Cartoon Network	X	X	X	X	X
Country Music TV	X	X	X	X	X
CNN/Headline News	X	X	X	X	X
Court TV	X	X	X	X	X
Discovery Channel	X	X	X	X	X
E! Entertainment TV	X	X	X	X	X
Encore	X	X	X	X	X
Family Channel	X	X	X	X	X
Fox Network	X	X	X	X	X
Home Shopping Network	X	X	X	X	X
The Learning Channel	X	X	X	X	X
QVC	X	X	X	X	X
Q2	X	X	X	X	X
The Nashville Network	X	X	X	X	X
Sci-Fi Channel	X	X	X	X	X
TNT	X	X	X	X	X
Travel Channel	X	X	X	X	X
Turner Classic Movies	X	X	X	X	X
USA Network	X	X	X	X	X
The Weather Channel	X	X	X	X	X

★ CROSS OWNERSHIP INTERESTS WITH  
USSB/TIME WARNER/VIACOM